

Fischer
(MM) 54 084
US Patent Application 09/818,036

Remarks

Claims 21-30 and 42-50 are allowed.

Claim Rejections - 35 USC 112

Claim 34 is rejected because claim 34 depends on a canceled claim. Claim 34 is amended to depend on claim 51.

Claim 39 is rejected because the term "the recess" lacks an antecedent basis.

Claim 39 is cancelled.

Claim Rejection - 35 USC 103(a)

Claims 31, 35 and 36 are rejected as being unpatentable over Löwenstein in view of Fischer, of record,

Claim 31 is replaced by new claim 51. This new claim 51 comprises essentially the features of claim 44 without the guide sleeve and protective sleeve. These features have been replaced by features of claim 41. The Examiner indicated, that claim 41 would be allowable if rewritten.

New claim 51 is not obvious in view of Löwenstein over Fischer. Löwenstein does not show that a second coil device is provided concentrically outside the cup type core. Furthermore, the system according to Löwenstein only shows a thickness measurement of flat surfaces. If, however, the thickness has to be measured on curved surfaces, the apparatus with respect to the first and second coil has to be adapted on the radius of the curved surface to be measured as shown in Figure 3. This, however, is not required by the present invention. The position of the first and second coil device relative to one another according to the present invention is the same for the measurement of the thickness of layers on flat and curved coated surfaces. Due to the fact that first coil is

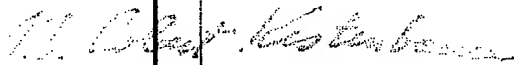
Fischer
(MM) 54 084
US Patent Application 09/818,036

designed such that it is sensitive to layer thickness, and the at least one second coil device is designed such that it is sensitive to curvature, the same embodiment without changing the arrangement can be used for a layer thickness measurement even if the surface to be measured is flat or curved. Therefore, the present invention is not obvious in view of Löwenstein and Fischer.

Further, claims 34, 35 and 36 are amended to depend on the new claim 51 and should therefore also be allowable.

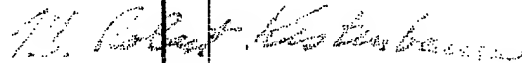
Wherefore, further consideration and allowance of the claims is respectfully requested.

Respectfully submitted,



M. Robert Kestenbaum
Reg. No. 20,430
11011 Bermuda Dunes NE
Albuquerque, NM USA 87111
Telephone (505) 323-0771
Facsimile (505) 323-0865

I hereby certify this correspondence is being submitted to Commissioner for Patents, Alexandria, VA 22313-1450 by facsimile transmission on February 5, 2004, fax number (703) 872-9306.



M. Robert Kestenbaum